

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK  
BUFFALO DIVISION

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ERIE COUNTY MEDICAL CENTER  
CORPORATION, *et al.*,

Plaintiffs,

vs.

Docket No.: 1:21-cv-00826

TEVA PHARMACEUTICALS, USA,  
*Et al.*,

Defendants.

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**NOTICE OF MOTION**

<b>Nature of Action:</b>	Violation of New York Consumer Protection from Deceptive Acts Practices Statute, General Business Code §§ 349, <i>et seq</i> ; negligence; nuisance; unjust enrichment; fraud and deceit; fraudulent concealment; civil conspiracy; and concert of action.
<b>Moving Party:</b>	Plaintiffs Erie County Medical Center Corporation; Catholic Health System, Inc.; Sisters of Charity Hospital of Buffalo, New York; Mercy Hospital of Buffalo; Kenmore Mercy Hospital; Mount St. Mary's Hospital of Niagara Falls; Ellis Hospital Foundation, Inc.; Kaleida Health; Olean General Hospital; Niagara Falls Memorial Medical Center; and St. Luke's Cornwall Hospital.
<b>Date and Time:</b>	To be determined by the Court.
<b>Place:</b>	United States District Court 2 Niagara Square Buffalo, NY 14202
<b>Supporting Papers:</b>	Declaration of Marco Cercone, Esq., executed July 28, 2021 with exhibit, and Memorandum of Law dated July 28, 2021.
<b>Answering Papers:</b>	Plaintiffs request that the Court set an expedited briefing schedule for this motion. Opposing papers, if any, are

required to be filed and served pursuant to Court order. Absent a Court order, opposing papers are required to be served pursuant to Local Rule 7(b)(2)(A). Plaintiffs intend to submit reply papers.

**Relief Requested:**

An Order granting Plaintiffs' Emergency Motion to Remand, an expedited briefing schedule on Plaintiffs' Emergency Motion to Remand, and remand of this matter to the Supreme Court of the State of New York, County of Erie.

**Grounds for Relief:**

28 U.S.C. § 1447(c) and case law interpreting same as set forth in the accompanying Memorandum of Law.

**Oral Argument:**

Requested.

Dated: July 28, 2021  
Buffalo, New York

**RUPP BAASE PFALZGRAF CUNNINGHAM LLC**

Attorneys for Plaintiffs

Erie County Medical Center Corporation; Catholic Health System, Inc.; Sisters of Charity Hospital of Buffalo, New York; Mercy Hospital of Buffalo; Kenmore Mercy Hospital; Mount St. Mary's Hospital of Niagara Falls; Ellis Hospital Foundation, Inc.; Kaleida Health; Olean General Hospital; Niagara Falls Memorial Medical Center; and St. Luke's Cornwall Hospital

By: /s/ Marco Cercone  
Marco Cercone, Esq.  
Arthur N. Bailey, Esq.  
1600 Liberty Building  
Buffalo, NY 14202  
(716) 854-3400  
cercone@ruppbaase.com  
bailey@ruppbaase.com

**TO:** James W. Carlson  
Jones Day  
500 Grant Street Suite 3100  
Pittsburgh, PA 15219  
412-391-3939  
JamesCarlson@jonesday.com

*Counsel for Defendants Walmart Inc. and Wal-Mart Stores East, LP*